

Docket No. 275923US6-RE



\$ 150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Keiji KANOTA, et al.

SERIAL NO: 10/809,913

GAU: 2616

FILED: March 25, 2004

EXAMINER: CHEVALIER, R.

FOR: DATA RECORDING APPARATUS AND METHOD, DATA REPRODUCING APPARATUS AND METHOD,  
DATA RECORDING/REPRODUCING APPARATUS AND METHOD, AND TRANSMISSION MEDIUM

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- ☒ The applicant(s) wish to make of record the references in the Japanese Office Action w/English Translation and listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☒ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☐ Attached is a list of applicant's pending application(s), published application(s) or issued patent(s) which may be related to the present application. In accordance with the waiver of 37 CFR 1.98 dated September 21, 2004, copies of the cited pending applications are not provided. Cited published and/or issued patents, if any, are listed on the attached PTO form 1449.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- ☒ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		PRIORITY DOCKET NO. 275923US-6 RE		SERIAL NO. 10/809,913	
LIST OF REFERENCES CITED BY APPLICANT				APPLICANT Keiji KANOTA, et al.			
				FILING DATE March 25, 2004		GROUP 2616	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO		
	AO	06-342579	12/13/94	JAPAN W/ENGLISH ABSTRACT			XX
	AP	63-124268	05/27/88	JAPAN W/ENGLISH ABSTRACT			XX
	AQ	08-241229	09/17/96	JAPAN W/ENGLISH ABSTRACT			XX
	AR	09-091189	04/04/97	JAPAN W/ENGLISH ABSTRACT			XX
	AS	03-288359	12/18/91	JAPAN W/ENGLISH ABSTRACT			XX
	AT	01-091377	04/11/89	JAPAN W/ENGLISH ABSTRACT			XX
	AU	03-290878	12/20/91	JAPAN W/ENGLISH ABSTRACT			XX
	AV						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AW						
	AX						
	AY						
	AZ					<input type="checkbox"/> Additional References sheet(s) attached	
Examiner					Date Considered		
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Reference No. S970384107

Dispatch No. 056453

Dispatch Date: February 13, 2006

**Notification of Reasons for Refusal**

Patent Application No.	1997-134071
Drafting Date	February 9, 2006
JPO Examiner	Hiroshi TOJIMA 2957 5Q00
Agent / Applicant	Yoshio INAMOTO
Applied Provision	Patent Law Sections 29(1), 29(2), and 36

This application is refused for the reasons mentioned below. If the applicant has any argument against the reasons, such argument should be submitted within 60 days from the date on which this notification was dispatched.

**Reasons**

**Reasons 1 and 2**

1. The inventions in the claims noted below of the subject application are not patentable under Patent Law Section 29(1)(iii) since they are described in the publications below which were distributed prior to the filing of the subject application in Japan or other countries.

2. The inventions in the claims noted below of the subject application are not patentable under Patent Law Section 29(2) since they could have been easily made by persons who have common knowledge in the technical field to which the inventions pertain, on the basis of the inventions described in the publications below which were distributed prior to the filing of the subject application in Japan or other countries.

Note (The list of cited documents etc. is provided below)

- Claims 9 and 17
- Cited Document: 1
- Reasons 1 and 2
- Remark

A technique for switching reproduction methods by judging whether a (selected) file is one that must be time-continuously processed or not based on identification information, where said identification information is provided for identifying whether a (selected) file is one that should be time-continuously processed (which corresponds to a first data) or time-discontinuously processed (which corresponds to a second data), when reproducing data from a recording medium in which said identification information is recorded is described in cited reference 1 (specifically, refer to recitation in claim 6, and description at paragraphs [0049] and [0050]). Thus, the same technique as the invention according to claims 9 and 17 of the subject application is described in the cited reference 1.

- Claims 1, 8, 18, 26, and 27
- Cited Documents: 1 and 2
- Reason 2
- Remark

A technique for executing alternation processing to an alternation sector (which corresponds to a second method) when data is one for which real time processing is not requested (which corresponds to a second data) while prohibiting alternation processing (which corresponds to a first method) when the data is one for which real time processing is requested (which corresponds to a first data), where such execution or prohibition is carried out by detecting a type of recorded data (which corresponds to identifying means) when recording into a recording medium which is provided with the alternation sector, is described in cited reference 2 (specifically, refer to description at

lines 15-17 in the upper right column of page 2, description from line 15 in the lower left column of page 2 through line 4 in the upper left column of page 3, and illustration in Fig. 1). Thus, there is not any noticeable difficulty in adding the technique described in the cited reference 2 to the technique described in the cited reference 1.

- Claims 2-4, 10-12, and 19-21
- Cited Documents: 1 and 2
- Reason 2
- Remark

As described in the cited reference 1 (specifically, refer to recitation in claim 5), it is nothing more than a well-known art to configure continuous data, which should be processed on a real time basis, as audio data or data of motional pictures, while configuring discontinuous data, which is not necessary to be processed on a real time basis, as other data. Thus, it is reasoned that a person skilled in the art could have arbitrarily added, as appropriate workshop artifice, such a well-known art to the invention described in the cited reference 1.

- Claims 5, 6, 13, 14, 22, and 23
- Cited Documents: 1-4
- Reason 2
- Remark

As described in cited reference 3 (specifically, refer to paragraphs [0018] and [0019]) and cited reference 4 (specifically, refer to paragraph [0047]), it is nothing more than a well-known art to switch over processing by identifying the type of data based on file extension information. Thus, it is reasoned that a person skilled in the art could have arbitrarily substituted, as appropriate workshop artifice, the method for judging whether a (selected) file is one that must be time-continuously processed or not, which is described in the cited reference

1, by such a well-known art.

- Claim 7
- Cited Documents: 1-4
- Reason 2
- Remark

Also in the cited reference 2 (specifically, refer to description at lines 15-17 in the upper right column of page 2, description from line 15 in the lower left column of page 2 through line 4 in the upper left column of page 3, and illustration in Fig. 1), alternation processing to an alternation sector is prohibited when recording data for which real time processing is requested (which corresponds to a first data).

- Claims 15 and 24
- Cited Documents: 1-5
- Reason 2
- Remark

A technique for executing control so that a retry function is disabled when data read out from a storage medium is time sequential data such as audio data and further when it is necessary to read out said data at real time is described in cited reference 5 (specifically, refer to lines 12-18 in the lower right column of page 8). Thus, there is not any noticeable difficulty in adding the technique described in the cited reference 5 to the technique described in the cited reference 1.

- Claims 16 and 25
- Cited Documents: 1-7
- Reason 2
- Remark

As described in cited reference 6 (specifically, refer to recitation in "what is claimed is", description from line 12 in the lower left column of page 5 through line 7 in the

lower right column of the same page, and lines 2-10 in the upper left column of page 6) and cited reference 7 (specifically, refer to lines 16-19 in the lower left column of page 3, and lines 6-8 in the lower left column of page 6), it is nothing more than a well-known art to perform interpolation processing based on error information generated at the time of reproduction. Thus, it is reasoned that a person skilled in the art could have arbitrarily added, as appropriate workshop artifice, such a well-known art to the invention described in the cited reference 1.

List of cited documents etc.

1. Japanese Unexamined Patent Application Publication No. 6-342579
  2. Japanese Unexamined Patent Application Publication No. 63-124268
  3. Japanese Unexamined Patent Application Publication No. 8-241229
  4. Japanese Unexamined Patent Application Publication No. 9-91189
  5. Japanese Unexamined Patent Application Publication No. 3-288359
  6. Japanese Unexamined Patent Application Publication No. 1-91377
  7. Japanese Unexamined Patent Application Publication No. 3-290878
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Reason 3

The descriptions in the specification and drawings noted below do not comply with the requirements of Patent Law Section 36(6)(ii).

• Remark

The following part of the guideline applies to the recitation of claim 27, which reads as, "A transmission

medium for transmitting a computer program ---, said computer program having functions of: ---", . The transmission of information is a function inherent to the transmission media. To define the invention to be "A transmission medium for transmitting a computer program ---, said computer program having functions of: ---" only means that a specific computer program is being transmitted at any time and to any place on the information transmission media. It defines the only inherent function of the transmission media, and does not specify any relation between the information transmission media and the computer program. Thus, the invention according to claim 27 of the subject application is not clear because there is not any technical relation between matters defining the invention.

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Record of the results of prior art search

•Technical fields searched: IPC

G11B20/10, 27/00-27/06

G06F3/06, 12/00

H04N5/91

•Prior art documents:

(Recording performed at a continuous area without an alternation sector in a fast-rate mode)

Japanese Unexamined Patent Application Publication No. 7-319636

(Buffering of record data to an alternation sector for delayed recording)

Japanese Unexamined Patent Application Publication No. 2-216668

(Continual recording while skipping any defect sector)

Japanese Unexamined Patent Application Publication No. 5-109205

(Transmission of error information to a host at the time of occurrence of reproduction error of continual data)



Japanese Unexamined Patent Application Publication No. 7-320418

This record is not part of the reasons for refusal.

Any inquiry concerning this notification or request for interview concerning this application should be directed to:

Hiroshi TOJIMA, Data Recording Division, Fourth Patent Examination Department

TEL: 03-3581-1101 (Ext. 3590)

FAX: 03-3580-6906.